

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES BRANCH,

Plaintiff,

-against-

9:06-CV-0934
(LEK/DRH)

GARY GREENE, Superintendent
B. REDMAND, Facility Health
Service Director, LESTER N. WRIGHT,
health service Administrator; and
P. BUNDRICK, Nurse Administrator

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on January 25, 2008, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 54).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

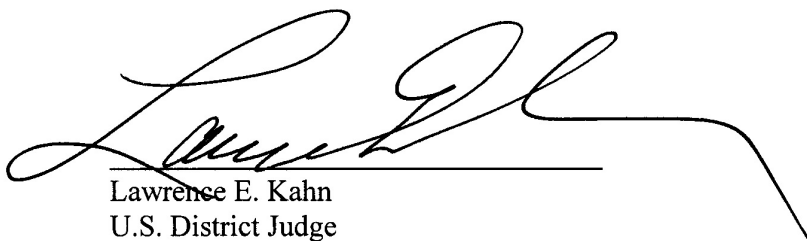
ORDERED, that the Report-Recommendation (Dkt. No. 54) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion to dismiss be **GRANTED unless Plaintiff files a second amended complaint within thirty days** of the date this decision is filed; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: February 19, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge